

Message Text

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ACTION DLOS-05

INFO OCT-01 IO-10 ISO-00 TRSE-00 OIC-02 AF-06 ARA-10 EA-10

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CEQ-01 CG-00 CIAE-00 CIEP-02 OFA-01 COME-00 DODE-00

DOT-00 EB-07 EPA-04 ERDA-07 FMC-02 H-02 INR-07

INT-05 JUSE-00 L-02 NSAE-00 NSC-05 NSF-02 OES-05

OMB-01 PA-02 PM-03 PRS-01 SP-02 SS-15 USIA-15 /183 W

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UNCLAS GENEVA 2961

FROM LOS DEL

EO 11652: NA

TAGS: PLOS

SUBJ: LOS: LANDLOCKED GEOGRAPHICAL DISADVANTAGED STATE DRAFT

FOLLOWING IS TEXT SUBMITTED ON APRIL 25 TO SECOND
COMMITTEE CHAIRMAN BY 48 LANDLOCKED AND QUOTE GROGRAPHI-
CALLY DISADVANTAGED STATES UNQUOTE. BEGIN TEXT:

REGIME ON THE LIVING AND NON-LIVING RESOURCES OF THE
ECONOMIC ZONE

NOTE: THESE DRAFT ARTICLES DO NOT NECESSARILY REPRESENT
THE FINAL POSITION OF THE MEMBERS OF THE GROUP OF
LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES
ON THE QUESTION OF THE ECONOMIC ZONE AND DO NOT
PREJUDICE THEIR POSITION ON PREVIOUS OR FUTURE
DRAFT PROPOSALS.

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ARTICLE I

SUBJECT TO THE PROVISIONS OF THESE ARTICLES COASTAL STATES SHALL HAVE THE RIGHT TO ESTABLISH, ADJACENT TO THEIR TERRITORIAL SEA, AN ECONOMIC ZONE WHICH SHALL NOT EXTEND BEYOND ... NAUTICAL MILES FROM THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED. COASTAL STATES MAY EXERCISE IN THAT ECONOMIC ZONE, RIGHTS FOR THE PURPOSE OF EXPLORING AND EXPLOITING THE NATURAL RESOURCES, WHETHER LIVING OR NON-LIVING, OF THE WATER COLUMN, THE SEABED AND SUBSOIL.

ARTICLE 2

IN EXERCISING THEIR RIGHTS RELATING TO THE ECONOMIC ZONE, COASTAL STATES SHALL PAY DUE REGARD TO THE RIGHTS OF OTHER STATES IN THAT ZONE.

ARTICLE 3

ALL STATES, WHETHER COASTAL OR NOT SHALL ENJOY IN THE ECONOMIC ZONE THE RIGHT OF FREEDOM OF NAVIGATION AND OVERFLIGHT, THE RIGHT TO LAY SUBMARINE CABLES AND PIPELINES AND OTHER LEGITIMATE USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATION, SUBJECT TO THE PROVISIONS OF THIS CONVENTION.

ARTICLE 4

LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL HAVE THE RIGHT TO PARTICIPATE IN THE EXPLORATION AND EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES OF THE ECONOMIC ZONES OF COASTAL STATES IN ACCORDANCE WITH THE PROVISIONS OF THESE ARTICLES.

ARTICLE 5

1. LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL NOT TRANSFER THEIR RIGHTS UNDER ARTICLE 4 TO THIRD STATES, EXCEPT WHEN OTHERWISE AGREED UPON BY THE STATES
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CONCERNED.

2. THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE SHALL NOT PRECLUDE LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES FROM OBTAINING TECHNICAL OR FINANCIAL ASSISTANCE FROM THIRD STATES, OR FROM INTERNATIONAL ORGANIZATIONS, FOR THE PURPOSE OF ENABLING THEM TO ENJOY THEIR RIGHTS IN THE ECONOMIC ZONES.

ARTICLE 6

ACTIVITIES CARRIED OUT PURSUANT TO THESE ARTICLES BY LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WITHIN THE ECONOMIC ZONE OF A COASTAL STATE SHALL BE SUBJECT TO THE RELEVANT REGULATIONS OF THE COASTAL STATE PROVIDED THAT THESE REGULATIONS ARE APPLIED WITHOUT DISCRIMINATION AND ARE CONSISTENT WITH THE PROVISIONS OF THESE ARTICLES AND THE AGREEMENTS TO BE CONCLUDED UNDER THEM.

ARTICLE 7

1. EQUITABLE ARRANGEMENTS FOR THE PURPOSE OF THE EXERCISE OF THE RIGHT REFERRED TO IN ARTICLE 4 SHALL BE WORKED OUT BETWEEN A LAND-LOCKED, OR GEOGRAPHICALLY DISADVANTAGED STATE AND THE NEIGHBOURING COASTAL STATE OR STATES.

2. NEIGHBOURING COASTAL STATE SHALL MEAN A STATE WHICH IS ADJACENT TO OR SITUATED IN THE OPEN BRACKETS CLOSE CLOSE BRACKETS VICINTY OF THE LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE CONCERNED.

ARTICLE 8

IF A NEIGHBOURING COASTAL STATE IS GEOGRAPHICALLY DISADVANTAGED THE ARRANGEMENTS REFERRED TO IN ARTICLE 7 SHALL BE WORKED OUT WITH ONE OR MORE OF THE NEXT ADJACENT OR OTHER COASTAL STATES OF THE REGION TAKING INTO ACCOUNT THAT THE RIGHTS OF PARTICIPATION IN THE ECONOMIC ZONES SHALL BE EQUITABLY DISTRIBUTED.

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ARTICLE 9

1. THE TERM QUOTE REGION UNQUOTE AS USED IN THESE ARTICLES SHALL MEAN THE GEOGRAPHICAL AREAS COVERED BY THE REGIONAL ECONOMIC COMMISSIONS OF THE UNITED NATIONS.

2. THE EXERCISE OF THIS RIGHT SHALL BE SUBJECT TO THE PRINCIPLE THAT DEVELOPED LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL ONLY PARTICIPATE IN THE ECONOMIC ZONES OF DEVELOPED COASTAL STATES.

ARTICLE 10

1. COASTAL STATES, LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WITHIN A SUB-REGION SHALL, AT THE

REQUEST OF ANY OF THEM, ENTER INTO NEGOTIATIONS WITH A VIEW TO CONCLUDING ARRANGEMENTS FOR THE ESTABLISHMENT OF SUB-REGIONAL ECONOMIC ZONES ON A BASIS OF EQUALITY.

2. THE TERM QUOTE "REGIONAL UNQUOTE OR QUOTE SUB-REGIONAL UNQUOTE ECONOMIC ZONES MEANS ECONOMIC ZONES CREATED BY A GROUP OF THREE OR MORE NEIGHBOURING STATES WHETHER OR NOT THEY ARE PARTIES TO AGREEMENTS OF ECONOMIC INTEGRATION FOR THE PURPOSE OF JOINT EXPLORATION AND EXPLOITATION OF SUCH ZONES.

ARTICLE II

IN EXERCISING THEIR RIGHT UNDER ARTICLE 4 RELATING TO LIVING RESOURCES LAND-LOCKED STATES SHALL BE ENTITLED TO EXPLORE AND EXPLOIT THE LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED ON AN EQUAL AND NON-DISCRIMINATORY BASIS, AND GEOGRAPHICALLY DISADVANTAGED STATES ON AN EQUITABLE BASIS, WITH SUCH COASTAL STATES.

ARTICLE 12

1. THE RIGHT REFERRED TO IN ARTICLE 4 RELATING TO THE EXPLORATION AND EXPLOITATION OF NON-LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED SHALL UNCLASSIFIED

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BE IMPLEMENTED BY THE ESTABLISHMENT OF JOINT VENTURES OR BY ANY OTHER FORM OF PARTICIPATION ON AN EQUITABLE AND ECONOMICALLY MEANINGFUL BASIS.

2. THE PARTICIPATION REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE SHALL BE DEEMED TO BE EQUITABLE AND ECONOMICALLY MEANINGFUL IF THE LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE CAN OBTAIN AT LEAST PER CENT OF THE TOTAL OF THE NON-LIVING RESOURCES EXTRACTED ANNUALLY IN THE ECONOMIC ZONE OF THE COASTAL STATES CONCERNED. END TEXT.

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